

USCIS Records Reveal Systemic Disparities in Asylum Decisions

Government [records](#) received by Human Rights First from the U.S. Citizenship and Immigration Services (USCIS) asylum office through a Freedom of Information Act (FOIA) request show years-long, systemic disparities in asylum adjudications based on the nationality of the asylum seeker and the asylum office handling the case. These records, which include data for fiscal year (FY) 2016 through the end of May 2021, show:

- **By the end of the Trump administration, asylum office grant rates had fallen from 44 percent in FY 2016 to 28 percent in FY 2020 with even more significant declines in grant rates for people fleeing persecution from Africa, the Americas, the Caribbean, and South Asia** — underscoring [longstanding concerns about disparate treatment](#) of [people](#) who seek [asylum](#) in the United States.
- **By FY 2020, asylum office grant rates had plummeted for people seeking protection from countries from which many refugees are fleeing compared to FY 2016, including El Salvador (73 percent drop), Haiti (70 percent drop), and Venezuela (57 percent drop)**, resulting in the needless referral of cases to the immigration courts that could have been resolved by the asylum office. Indeed, immigration judges granted asylum in two-thirds of cases referred from the asylum office that were decided in FY 2021, and immigration court asylum grant rates remain higher for many countries than before the asylum office.
- Existing disparities in grant rates between asylum offices widened during the Trump administration. **Between FY 2017 and 2020, the New York asylum office's average grant rate was six times lower than the San Francisco asylum office — double the grant rate discrepancy compared to FY 2010 to 2014.** Some asylum offices recorded shockingly low asylum grant rates. **The New York asylum office grant rate dropped to 5 percent in FY 2020, and the Boston asylum office grant rate declined to 8 percent in the first part of FY 2021.**
- Asylum grant rates for nationals of the same country vary significantly by asylum office location, resulting in arbitrary referrals of cases to the immigration courts that could have been granted by the asylum office. In FY 2020, for example, the **Los Angeles asylum office** granted asylum to just 18 percent of Cameroonian applicants — a rate more than two-and-a-half times lower than the national asylum office average for Cameroon; the **Houston asylum office** did not grant any of the 14 asylum applications of Nicaraguans it decided that year compared to national asylum office average of 44 percent for Nicaragua; and the **New York asylum office's** 11 percent grant rate for Venezuelan applicants was nearly three times lower than the (very low) 30 percent asylum office national average for Venezuela.

The current administration must urgently act to address racial, nationality, and asylum office-based disparities in asylum adjudication. USCIS should [ensure](#) that cases qualifying for refugee protection are actually granted by the asylum office, rather than being referred for immigration court adjudications. The [over-referral](#) of [cases](#) exacerbates already years-long delays for many asylum seekers and needlessly contributes to court backlogs for cases that are overwhelmingly later [granted](#) by [immigration judges](#). These reforms are particularly crucial given new asylum process [rules](#), set to go into effect at the end of May 2022, under which more asylum seekers would undergo initial, full asylum adjudications by the asylum office.

In addition, USCIS should immediately act to upgrade its data collection practices. The records released to Human Rights First overwhelmingly fail to disclose the race or ethnicity of the applicant — a question all asylum seekers must answer on the asylum [application](#). As President Biden's January 2021 [Executive Order on](#)

[Advancing Racial Equity](#) acknowledges, the “lack of data [disaggregated by race] . . . impedes efforts to measure and advance equity.”

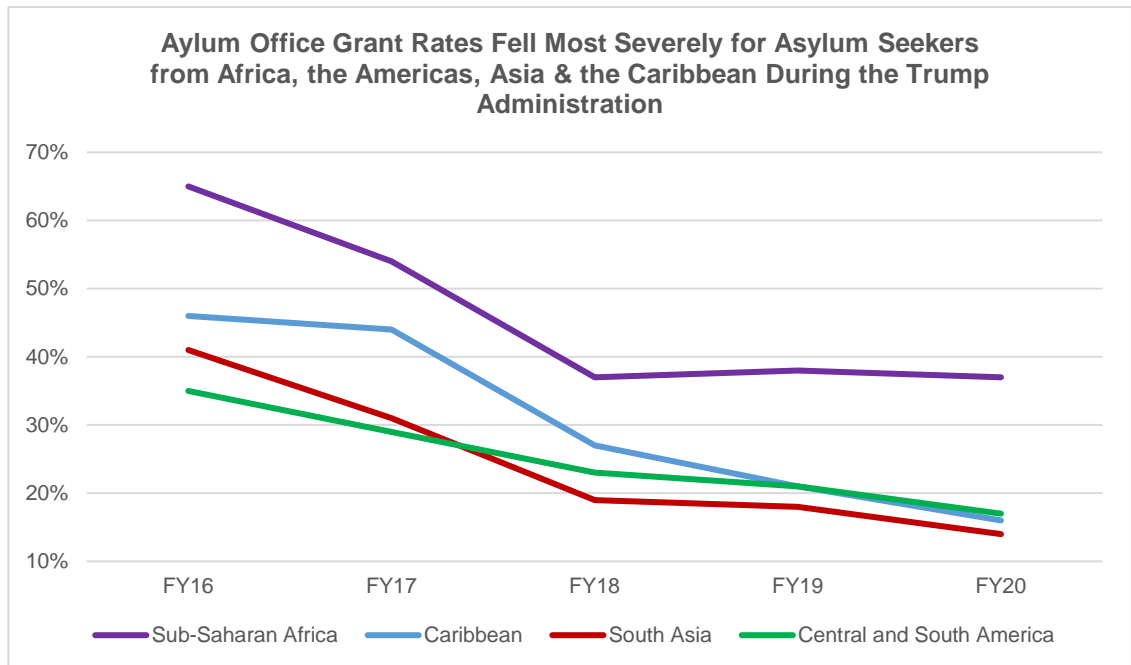
Failure to Record Asylum Applicant Demographics Undermines Accountability

In May 2021, Human Rights First used FOIA to request USCIS data on “asylum eligibility determinations disaggregated by race” and other demographic factors. USCIS does not release asylum adjudication statistics broken down by race and publishes only limited information annually on the number of asylum grants by [nationality](#). In April 2022, USCIS provided more than 300,000 responsive [records](#) of affirmative asylum adjudications (*i.e.* filed with USCIS by individuals not in removal proceedings) covering fiscal years 2016 to 2021 (through May 27, 2021). The [Form I-589](#) asylum application requires all applicants to provide their “race, ethnic, or tribal group.” However, **95 percent of the adjudications disclosed in the FOIA results list “other” in the “race or ethnicity” category**,¹ making it impossible to analyze and address potential racial disparities in asylum adjudications by the asylum office. To date, USCIS has also failed to restart quarterly releases of data on asylum adjudications that included a breakdown by asylum office location, which were halted by the Trump administration in [September 2019](#). Restoring regular data releases as well as expanding the information recorded and disclosed are crucial to public oversight and accountability for the life-or-death asylum decisions made by the asylum office.

Growing Regional Disparities in Asylum Grant Rates Under the Trump Administration

The government records obtained by Human Rights First through FOIA show that by FY 2020 (the last full fiscal year of the Trump Admin), asylum office grant rates had plummeted for asylum seekers from many regions compared to FY 2016 (the last full fiscal year of the Obama administration). Based on Human Rights First’s analysis of USCIS data, **the asylum office grant rate² fell from 44 percent in FY 2016 to 28 percent in FY 2020 – a 36 percent decline overall.**

During the Trump administration, **asylum office grant rates declined even more severely for people fleeing persecution in countries in Africa, the Americas, the Caribbean, and South Asia:**



Source: USCIS asylum adjudications FOIA [records](#)

¹ The responses in the race or ethnicity category were: Armenian, Azerbaijani, Basque, Chinese, Eritrean, Estonian, Georgian, Gipsy, Hungarian, Indian, Khmer, Kurd, Latvian, Lithuanian, Mong, Other, Russian, Tamil, Tibetan, Tigre, Turk, and Unknown.

² Grant rates are calculated by dividing the number of asylum grants by the total number of asylum grants, denials, and referrals.

- South Asia — **66 percent drop** (from 41 percent in FY 2016 to 14 percent in FY 2020)
- Caribbean — **65 percent drop** (from 46 percent in FY 2016 to 16 percent in FY 2020)
- Central and South America — **51 percent drop** (from 35 percent in FY 2016 to 17 percent in FY 2020)
- Sub-Saharan Africa — **43 percent drop** (from 65 percent in FY 2016 to 37 percent in 2020)

Table 1: Wide Disparities in Asylum Office Grant Rates by Asylum Seekers’ Region of Origin

Region of Origin	FY16	FY17	FY18	FY19	FY20	FY21*
Middle East / North Africa ³	83%	77%	61%	69%	65%	61%
Sub-Saharan Africa ⁴	65%	54%	37%	38%	37%	40%
Europe ⁵	48%	40%	34%	37%	35%	30%
Central Asia ⁶	46%	37%	34%	37%	36%	33%
Caribbean ⁷	46%	44%	27%	21%	16%	14%
East Asia / Pacific ⁸	43%	44%	35%	39%	45%	36%
South Asia ⁹	41%	31%	19%	18%	14%	17%
Central and South America ¹⁰	35%	29%	23%	21%	17%	21%
Average	44%	36%	29%	29%	28%	28%

Source: USCIS asylum adjudications FOIA [records](#); * thru May 27, 2021

These regional disparities are not surprising given the [series](#) of [rulings](#), [regulations](#), and other [policies](#) issued by the Trump administration that attempted to make people fleeing persecution ineligible for asylum and targeted the largely Black, Brown and Indigenous asylum seekers requesting protection at the southern border. In addition to sharp declines in asylum office grant rates, these policies also resulted in [plummeting](#) immigration court asylum grant [rates](#) for people fleeing persecution in [Africa](#), Central America, and South America.

Throughout the Trump administration, high ranking government officials made repeated false statements about asylum seekers to delegitimize and undermine their requests for protection. For example, President Trump [falsely asserted](#) that asylum seekers from Guatemala, Honduras, and El Salvador abuse “loopholes” in the system and “lodg[e] meritless claims,” then Attorney General Sessions falsely [claimed](#) that only 20 percent of asylum applications are meritorious, and then Secretary Nielsen of the Department of Homeland Security (which includes the asylum office) falsely [claimed](#) there is a “huge problem” with fraud in the asylum system. President Trump also [reportedly](#) questioned why individuals from Haiti, El Salvador, and some African countries, which he described as “shithole[s],” come to the United States.

³ Middle East / North Africa: Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, Turkey, United Arab Emirates, Yemen

⁴ Sub-Saharan Africa: Angola, Benin, Botswana, Burkina Faso, Burundi, Cote d’Ivoire, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tanzania, The Gambia, Togo, Uganda, Zambia, Zimbabwe

⁵ Europe: Albania, Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Czechoslovakia, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Kosovo, Latvia, Lithuania, Malta, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russia, Serbia, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, USSR, Yugoslavia

⁶ Central Asia: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

⁷ Caribbean: Antigua and Barbuda, Bahamas, Barbados, Cuba, Dominica, Dominican Republic, Granada, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago

⁸ East Asia / Pacific: Australia, Burma, Cambodia, China, Fiji, Hong Kong, Indonesia, Japan, Korea, Laos, Malaysia, Mongolia, New Zealand, North Korea, Philippines, Singapore, South Korea, Taiwan, Thailand, Tonga, Vietnam

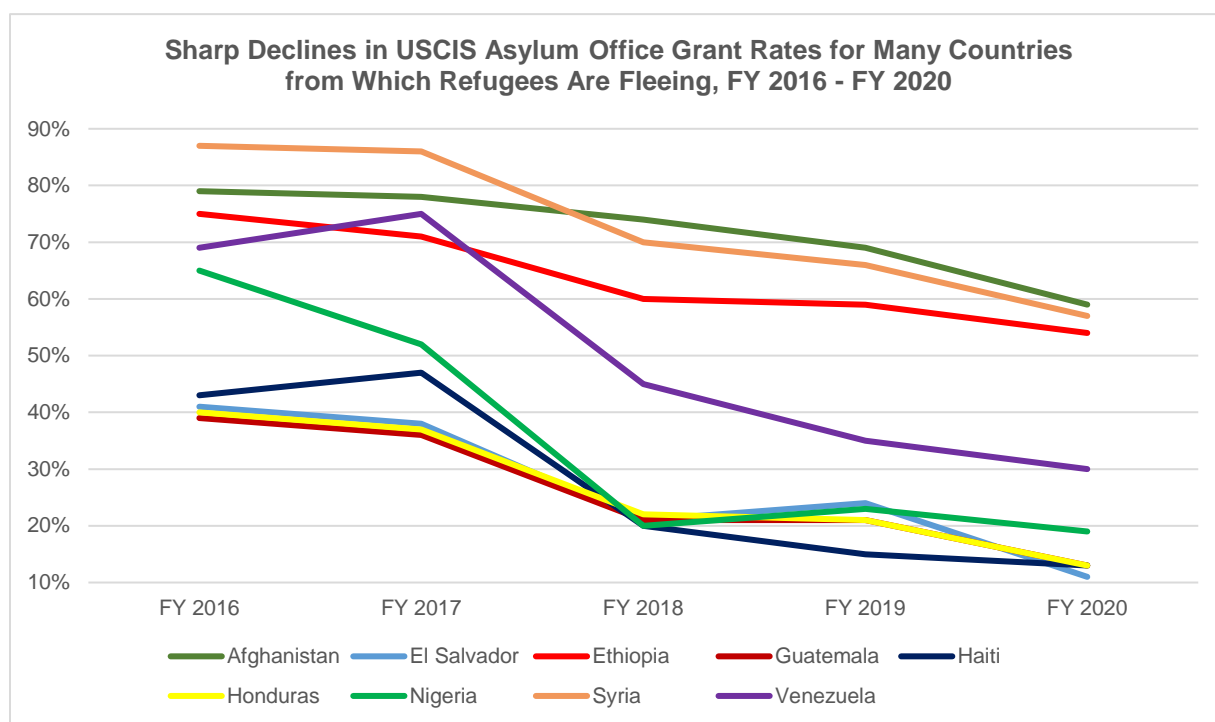
⁹ South Asia: Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka

¹⁰ Central and South America: Argentina, Belize, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, Venezuela

Asylum Grant Rates for Countries from Which Many Refugees Are Fleeing Dropped Significantly Under the Trump Administration

The FOIA records obtained by Human Rights First reveal drastic drops in asylum office asylum grant rates during the Trump administration for countries from which many refugees are fleeing. As Table 2 below shows, by FY 2020, the last full fiscal year of the Trump administration, asylum office asylum grant rates had plummeted compared to FY 2016 (the last full fiscal year of the Obama administration), including:

- **El Salvador — 73 percent drop** (from 41 percent grant rate to 11 percent)
- **Nigeria — 71 percent drop** (from 65 percent grant rate to 19 percent)
- **Haiti — 70 percent drop** (from 43 percent grant rate to 13 percent)
- **Honduras — 68 percent drop** (from 40 percent grant rate to 13 percent)
- **Guatemala — 67 percent drop** (from 39 percent grant rate to 13 percent)
- **Venezuela — 57 percent drop** (from 69 percent grant rate to 13 percent)
- **Syria — 35 percent drop** (from 87 percent grant rate to 52 percent)
- **Ethiopia — 28 percent drop** (from 75 percent grant rate to 47 percent)
- **Afghanistan — 25 percent drop** (from 79 percent grant rate to 54 percent)



Source: USCIS asylum adjudications FOIA [records](#)

Some grant rates fell even further in FY 2021. For example, **only 10 percent of Haitian asylum seekers were granted asylum by the asylum office in the first eight months of FY 2021**, based on the data Human Rights First received through FOIA. The asylum office grant rate for Egyptian asylum seekers fell by ten percentage points in FY 2021 compared to the prior year. For some other countries, asylum office grant rates appeared to begin to stabilize in the first part of FY 2021.

Table 2: During the Trump Administration Asylum Office Grant Rates Dropped Significantly for Many Countries from Which Refugees Are Fleeing

Nationality	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021*
Afghanistan	79%	78%	74%	69%	59%	65%
Cameroon	49%	72%	48%	55%	51%	52%
China	43%	45%	38%	42%	48%	37%
Egypt	81%	85%	75%	81%	79%	69%
El Salvador	41%	38%	21%	24%	11%	18%
Eritrea	92%	84%	79%	84%	87%	69%
Ethiopia	75%	71%	60%	59%	54%	65%
Guatemala	39%	36%	21%	21%	13%	25%
Haiti	43%	47%	20%	15%	13%	10%
Honduras	40%	37%	22%	21%	13%	28%
Jamaica	84%	80%	62%	80%	70%	74%
Nicaragua	44%	41%	21%	38%	44%	38%
Nigeria	65%	52%	20%	23%	19%	26%
Syria	87%	86%	70%	66%	57%	55%
Turkey	62%	48%	65%	84%	87%	83%
Uganda	62%	60%	45%	33%	43%	69%
Venezuela	69%	75%	45%	35%	30%	32%

Source: USCIS asylum adjudications FOIA [records](#); * thru May 27, 2021

Sharp declines in asylum office grant rates occurred even as human rights violations continued or, in many cases, significantly worsened in these countries. For example:

- **Cameroon:** Asylum office grant rates for Cameroon have hovered at fifty percent for years despite grave, widespread human rights abuses that have driven many to flee the country. The U.S. State Department’s 2021 human rights [report](#) on Cameroon documented mass killing of civilians by the Cameroonian military, abductions and disappearance of opposition activists, and widespread torture by government officials. In April 2022, the Department of Homeland Security (DHS) designated Cameroonians in the United States for Temporary Protected Status (TPS), [citing](#) “extreme violence perpetrated by government forced and armed separatists, and a rise in attacks led by Boko Haram.” In contrast to the asylum office, immigration court judges have in many cases recognized the dire human rights situation in the country, granting asylum protection to [82 percent](#) of Cameroonian asylum seekers in removal proceedings during FY 2021.
- **Haiti:** Even as the U.S. government has repeatedly acknowledged the political and other violence forcing refugees to flee Haiti, the asylum office grant rate for Haitian asylum seekers has continued to plummet, as Table 2 shows. For instance, the 2020 U.S. State Department human rights [report](#) on Haiti recorded that “sexual assault and rape continued to be a serious and pervasive societal problem” and that “police condoned violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.” The 2021 [report](#) concluded that “gangs believed to have ties to the government” attacked journalists and “issued threats against antigovernmental protestors.” In 2021, the same year that the asylum office granted only 10 percent of Haitian asylum applications, DHS designated Haitians in the United States for TPS, [acknowledging](#) that Haiti is currently “grappling with a deteriorating political crisis, violence, and a staggering increase in human rights abuses,” including “violations and abuses of international human rights, including some involving the alleged use of deadly forces against protestors and reported arbitrary arrests and detentions.” By way of comparison, in 2021, Canada’s refugee service [recognized](#) 54 percent of Haitian asylum seekers as qualifying for refugee protection.
- **Eritrea:** In the first eight months of FY 2021, asylum office grant rates for Eritreans declined drastically to 69 percent — far below the average 85 percent grant rate between FY 2016 and FY 2020. The U.S. State

Department's 2021 human rights [report](#) on Eritrea found grave human rights violations including “execution, rape, and torture of civilians” by the Eritrean Defense Forces and an “unknown number” of disappearances of “persons detained for political and religious beliefs, journalists, and individuals suspected of evading national service and militia duties.” The [report](#) additionally found that Eritreans, including children, are subjected to forced conscription into the human-rights abusing military with “forcible roundup[s] of students and young persons around the country.”

- Venezuela:** The more than 50 percent decline in asylum office grant rates for Venezuela between FY 2016 and FY 2020 stands in stark contrast to contemporaneous U.S. government reports of serious and escalating human rights abuses in the country. For example, the U.S. State Department's 2020 human rights [report](#) on Venezuela expressed grave concern over the “regime’s practice of trying civilians under the military justice system for protests” and documented at least “753 enforced disappearances of political detainees between 2018 and June 2020.” The report also found that women in Venezuela are subjected to “forced labor and sexual servitude” at the hands of criminal groups as well as sexual abuse by regime authorities. In March 2021, DHS [designated](#) Venezuelans in the United States for TPS, citing “human rights abuses and repression” and “the deterioration of democratic institutions and threats to freedom of speech.” In contrast to the low asylum office protection rates for Venezuelans seeking asylum in the United States, Canada [granted](#) refugee protection to 84 percent of Venezuelan asylum cases in 2021.

The vast majority of these cases could and should have been resolved at the asylum office. **Sixty-seven percent of cases referred from the asylum office and decided by the immigration courts in FY 2021 resulted in grants of asylum**, according to government data analyzed by the Syracuse University Transactional Records Access Clearinghouse (TRAC). Asylum seekers from some countries referred by the asylum office to immigration court and decided in FY 2021 had even higher asylum grants rates, including Cameroon (80 percent), China (82 percent), Ethiopia (85 percent), Eritrea (97 percent), and Venezuela (70 percent). These needless asylum office [referrals](#) leave refugees who are ultimately granted asylum in limbo — often left separated from their spouse and children who may remain stranded abroad in danger and waiting years for adversarial immigration court hearings that can [compound](#) trauma and anxiety. Unnecessary court proceedings waste limited immigration court resources and further strain many asylum seekers’ limited financial means, as those who are unable to find the limited pro bono legal [representation](#) that is currently available often struggle to pay for private counsel to assist them at the asylum office and again in immigration court.

Major Disparities in Grant Rates Among Asylum Offices Persist

The USCIS asylum office data also shows that existing disparities in grant rates between asylum offices widened during the Trump administration and that grant rates in some offices dropped precipitously.

Table 3: Asylum Office Grant Rates Have Long Varied Significantly Nationwide

Asylum Office	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021*
San Francisco	75%	61%	48%	58%	50%	47%
Los Angeles	63%	53%	40%	40%	49%	38%
Newark	47%	25%	21%	29%	28%	34%
Arlington	46%	37%	28%	19%	19%	40%
New Orleans	40%	51%	62%	54%	34%	42%
Chicago	35%	36%	37%	44%	29%	37%
Miami	35%	28%	25%	14%	19%	14%
Houston	46%	33%	25%	32%	19%	17%
Boston	27%	20%	12%	18%	20%	8%
New York	18%	13%	10%	9%	5%	7%
Average	44%	36%	29%	29%	28%	28%

Source: USCIS asylum adjudications FOIA [records](#); * thru May 27, 2021

As noted in Table 3 (above), **the New York asylum office average grant rate for FY 2017 to FY 2020 was six times lower than the San Francisco asylum office** (9 percent versus 54 percent) based on Human Rights First's analysis of the USCIS FOIA [data](#). That inter-office grant rate discrepancy has doubled since the period of FY 2010 to FY 2014 when the New York asylum office grant rate was three times lower than San Francisco (20 percent versus 69 percent), according to [USCIS](#). Indeed, **the New York asylum office's shockingly low five percent grant rate in FY 2020 was more than five-and-a-half times lower than the national average of 28 percent that year**. In addition, in FY 2021 (through May 2021), the Boston asylum office grant rate dropped to just 8 percent — nearly four times lower than the national average. These findings confirm the results of a recent [study](#) by the Refugee and Human Rights Clinic at the University of Maine School of Law, Immigrant Legal Advocacy Project, and the ACLU of Maine that found a falling and “disproportionally low” grant rate at the Boston asylum office.

The USCIS data confirms that **grant rates for people fleeing the same country differ greatly depending on the asylum office deciding the case**, as Table 4 (below) shows. Asylum seekers whose cases could have been resolved by the asylum office are arbitrarily referred to immigration court as a result of the asylum office with jurisdiction over the individual's application. For instance, in FY 2020:

- the **Boston asylum office** granted asylum in just 4 percent of cases for Haitian asylum seekers — three times lower than the asylum office average grant rate and far below the grant rates of the Arlington (63 percent), Houston (25 percent), Los Angeles (33 percent), New Orleans (29 percent), and San Francisco (33 percent) asylum offices;
- the **Houston asylum office** did not grant ANY of the 14 asylum applications of Nicaraguans it decided in FY 2020 compared to the national asylum office average of 44 percent — which itself is low given widespread political [repression](#) by the current regime against political dissent;
- the **Los Angeles asylum office** granted asylum to just 18 percent of Cameroonian applicants — a rate more than two-and-a-half times less than what is a low 51 percent average asylum office grant rate for Cameroon given the grave human rights violations taking place in the country, as discussed above;
- the **Miami asylum office** approved only 36 percent of Syrian¹¹ asylum applications in FY 2020, nearly 40 percent lower than the national asylum office average and far below the grant rates of the Newark (81 percent, New York (86 percent) and San Francisco (92 percent) asylum offices; and
- the **New York asylum office's** 11 percent grant rate for Venezuelan applicants was nearly three times less than the absurdly low 30 percent asylum office national average for Venezuela, as discussed above, and its 6 percent asylum grant rate for Chinese applicants¹² in FY 2020 was eight times lower than the asylum office average for Chinese asylum seekers for the year.

¹¹ The 2021 U.S. State Department [report](#) on Syria describes significant human rights issues including: “unlawful or arbitrary killings by the regime; forced disappearances by the regime; torture, including torture involving sexual violence, by the regime; harsh and life-threatening prison conditions, including denial of medical care; prolonged arbitrary detention; political prisoners and detainees; . . . punishment of family members for offenses allegedly committed by an individual.”

¹² In its 2021 [report](#) on human rights in China, the U.S. State Department concluded that “[g]enocide and crimes against humanity occurred during the year against predominantly Muslim Uyghurs and members of other ethnic and religious minority groups in Xinjiang” and noted other serious human rights violations including: “forced disappearances by the government; torture by the government; . . . arbitrary detention by the government, including the mass detention of more than one million Uyghurs and members of other predominantly Muslim minority groups in extrajudicial internment camps and an additional two million subjected to daytime-only “re-education” training; political prisoners; . . . serious restrictions on free expression and media, including physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others as well as their family members; . . . severe restrictions and suppression of religious freedom; . . . forced sterilization and coerced abortions; . . . violence targeting members of national, racial, and ethnic minority groups.”

Table 4: Asylum Grant Rates by Nationality Differed Significantly Across Asylum Offices, FY 2020

	Cameroon	China	Haiti	Nicaragua	Syria	Venezuela
Arlington	43%	41%	63%	50%	50%	44%
Boston	40%	33%	4%	100%*	53%	13%
Chicago	50%	46%	9%	36%	42%	34%
Houston	41%	21%	25%	0%	53%	16%
Los Angeles	18%	65%	33%	72%	63%	57%
Miami	100%*	18%	14%	34%	36%	23%
Newark	46%	15%	15%	50%	81%	34%
New Orleans	100%	72%	29%	61%	60%	68%
New York	50%*	6%	12%	9%	86%	11%
San Francisco	50%	62%	33%	59%	92%	74%
Average	51%	48%	13%	44%	57%	30%

Source: USCIS asylum adjudications FOIA [records](#); *Two cases